IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL

Contempt Petition No. 152 of 2005

Virendra Kumar
S/o Sri Bharat Singh
M/s Rajnish Khandsari Udyog
R/o Village & Post Bahadarabad
Tehsil & District – Haridwar … Petitioner

Versus

Sri D.S. Khati
Executive Engineer
Electricity Distribution Division,
Mayapur, Haridwar … Respondent

Sri Sudhir Singh, learned counsel for the petitioner.

Hon'ble B.C. Kandpal, J.

The petitioner has filed the contempt petition against the respondent Shri D.S. Khati, who is an Executive Engineer in Electricity Distribution Division, Mayapur, Haridwar.

Brief facts giving rise to this contempt petition are that the petitioner was running Sugar Cane Crusher. In the year 2000, the office of the respondent introduced the Electronic Meter. The respondent thereafter issued notice to the petitioner showing therein heavy load and a bill of Rs. 3,01,860/- by making assessment for last six months. Again another notice was issued on 28.04.2001 for a sum of Rs. 29,350/- and another notice again was issued having excess load being used for a sum of Rs. 46,800/- on 31.08.2001.

The petitioner replied the notices but ignoring the reply and the request of the petitioner the respondent issued the demand notice to the petitioner and also warned that the petitioner if fails in making the payment, the connection would be disconnected and recovery to the Collector to recover the amount as arrears of land revenues would be sent.

The petitioner, thereafter filed a writ petition before this court and this court passed the following order:

"Coram : <u>Hon'ble S.H. Kapadia, C.J.</u>

<u>Hon'ble M.M. Ghildiyal, J</u>

Date : 24.10.2003:

<u>PC :-</u>

Petitioner had challenged the excess billing. He was directed to deposit Rs. 2,17,335.00. The amount was deposited in the form of F.D.R. with the Registry. Thereafter, the matter was referred to the Electrical Inspector, who has given a finding in favour of the petitioner. According to the Electrical Inspector, the amount due and payable by the petitioner is only Rs. 21,300/-

We are directing the petitioner to pay the said amount within two weeks from today. We also direct the Registry to return the F.D.R. to the petitioner.

Writ petition is disposed of."

The petitioner has averred in the writ petition that the amount which was paid in compliance of the order passed by this court to the Electricity Department but despite of the fact that no Electricity Bills are left payable by the petitioner, the respondent is repeatedly demanding the amount adjudicated which is absolutely arbitrary and unfair. It is, therefore, pleaded that the respondent is willfully disobeying the order passed by this High Court. Hence this contempt writ petition.

On the basis of the averment made by the petitioner in this contempt petition as well as keeping in view the order passed by this court, I do not think that any ground for deliberate contempt of the court against the respondent is made out. The petitioner has not filed any application or representation which shows that he in fact brought this in the knowledge of the respondent that entire money which was

demanded earlier has been settled by the Hon'ble Court and has been paid for. I, therefore, do not find any ground for interference.

Accordingly, the contempt petition is dismissed in limine.

(B.C. Kandpal, J.)

24th June, 2005
Shiv